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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1962.

No. 62

NORTHERN NATURAL GAS COMPANY,
Appellant,

vs.

STATE CORPORATION COMMISSION OF THE STATE OF KANSAS.

APPEAL FROM THE SUPREME COURT OF KANSAS.

OBJECTION OF APPELLANT TO MOTION OF THE MID-CONTINENT OIL & GAS ASSOCIATION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

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Appellant, Northern Natural Gas Company, having heretofore refused its consent to Movant, hereby objects to the granting by this Court of the motion of The Mid-Continent Oil & Gas Association for leave to file brief *amicus curiae* in this appeal. In support of such objection appellant asserts to the Court that said motion discloses upon its face, and the briefs of the appellee, State Corporation Commission of the State of Kansas, heretofore filed herein, support the conclusion, that such motion does not

> "'* * * set forth facts or questions of law that have not been, or reasons for believing that they will not adequately be, presented by the parties, and their relevancy to the disposition of the case; * * *"

as required by Rule 42 (3) of this Court in that:

(1) Such motion concedes (p. 2) that appellee, State Corporation Commission of the State of Kansas, has "ably and correctly" argued in its briefs heretofore filed with the Clerk of this Court "in detail the specific issues of this case".

(2) The brief of Movant (leave to file which it requests) merely duplicates the position and arguments made and taken by appellee State Corporation Commission of the State of Kansas (Kansas Commission), even to the extent that it changes the "Question Presented" from that presented and argued by appellant Northern to that totally different Question asserted by appellee Kansas Commission. Movant's brief and motion constitute an obvious effort to impart to such position and legal arguments an aura of validity (for fear they are otherwise untenable) by asserting that they are supported by the wide membership of Movant association. Such assertion is not in accord with the fact, at least insofar as appellant, a member of Movant association, is concerned. There is no statement or allegation in said Motion or brief respecting the authority, if any, under which same are filed in this case. Even if such authority were set forth, the mere weight of numbers of those claimed to assert they agree with the Kansas Commission should not be persuasive nor permitted to obscure the real issue. Northern submits that the granting of this motion will serve only to burden the records of this Court in this appeal.

For the foregoing reasons, it is respectfully submitted that this Court should not grant the Motion of The Mid-Continent Oil & Gas Association for leave to file its said brief *amicus curiae*.

Respectfully submitted,

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